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Attorneys for Plaintiff Affinity Labs of Texas, LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

## AFFINITY LABS OF TEXAS, LLC,

CASE NO. 4:10-cv-05543-CW

Plaintiff,

**STIPULATION TO CONTINUE CASE  
DEADLINES REGARDING DEFENDANT  
APPLE INC. AND [PROPOSED] ORDER**

NIKE, INC. and APPLE INC.,

Judge: Hon. Claudia Wilken

## Defendants

1 IT IS HEREBY STIPULATED by and between Plaintiff Affinity Labs of Texas, LLC  
2 (“Affinity”) and Defendant Apple Inc. (“Apple”) as follows:

3 WHEREAS, in accordance with the Court’s instructions, Affinity and Apple have been  
4 working diligently to reach a settlement that would include this litigation and Case No. CV 09-  
5 4436-CW, pending before this Court between Affinity and Apple, including attending three  
6 separate mediation sessions with the Mediator, Hon. Edward A. Infante (Ret);

7 NOW, THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN AFFINITY  
8 AND APPLE, THROUGH THEIR RESPECTIVE COUNSEL AND SUBJECT TO THE  
9 APPROVAL OF THE COURT, AS FOLLOWS:

10 1. The date for serving Patent L.R. 3-3 invalidity contentions currently due on  
11 August 26, 2011 will be continued to September 23, 2011;  
12 2. The date for serving documents as required by Patent L.R. 3-4 currently due on  
13 August 29, 2011 will be continued to September 26, 2011; and  
14 3. All other deadlines will remain unchanged.

15 These changes will not affect any other deadlines before the Court.

16 Dated: August 24, 2011

17 RICHARD L. SEABOLT  
18 L. NORWOOD JAMESON  
19 MATTHEW C. GAUDET

20 DUANE MORRIS LLP

21 By: /s/ Matthew C. Gaudet  
22 Matthew C. Gaudet

23 Attorneys for Plaintiff AFFINITY LABS OF  
24 TEXAS, LLC

1 Pursuant to General Order No. 45 X(B), I hereby attest that concurrence in the filing of  
2 this document has been obtained from Darin W. Synder.

3  
4  
5 Dated: August 24, 2011

RICHARD L. SEABOLT  
L. NORWOOD JAMESON  
MATTHEW C. GAUDET

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DUANE MORRIS LLP

By: /s/ Matthew C. Gaudet  
Matthew C. Gaudet

Attorneys for Plaintiff AFFINITY LABS OF  
TEXAS, LLC

Dated: August 24, 2011

GEORGE A. RILEY  
DARIN W. SNYDER  
RYAN K. YAGURA  
DARIN J. GLASSER  
NICHOLAS J. WHILT

O'MELVENY & MYERS LLP

By: /s/ Darin W. Snyder  
Darin W. Snyder

Attorneys for Defendant APPLE INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: 8/25/2011

  
Honorable Claudia Wilken  
United States District Judge